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March 30, 2009

Ms. Elizabeth "Liza" C. Ward
Motley Rice, LLC
lward@motleyrice.com

VIA EMAIL

Re: Third Party Subpoena to The Poultry Federation

Dear Liza:

As indicated in our previous email correspondence, The Poultry Federation has a number of objections to the third party subpoena. The majority of these objections center on the fact that the subpoena is overly broad and unduly burdensome. Federal Rule 45 requires that a "party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena," and that "the issuing court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply." The areas of inquiry contained in the subject subpoena would in essence require a designee to testify to matters from the inception of The Poultry Federation and matters where there would no longer be any institutional memory. The designee would simply be referring to the documents produced.

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Further, the time set for the deposition is during the last week of the Arkansas General Assembly's legislative session and would require The Poultry Federation to stop doing its business just to prepare for this deposition. As such, the subpoena is unreasonable.

Each area of inquiry is discussed separately below. The Poultry Federation plans on filing its objections to the subpoena along with a motion to quash on Tuesday, April 1. However, The Poultry Federation would like to work with the State on these matters. Thus, if the State is agreeable to modifying the areas of inquiry in a manner which could not be unreasonable and to modifying the date of the deposition, please let us know as soon as possible.

Specific objections to areas of inquiry:

1. *Membership or affiliation records of the Poultry Integrators with the Poultry Federation from 1980 to present.*

This area of inquiry is overly broad in that it requires a designee for a twenty-nine year time period. The Poultry Federation has produced its records on this matter and these documents should speak for themselves. If there is any particular document that the State needs authenticated, The Poultry Federation would have no objection to such a line of inquiry. However, to require a designee to discuss membership for a twenty-nine year time period is unreasonable.

2. *Any discussions, meetings, studies, projects, events, programs, surveys and/or research conducted by the Poultry Federation, or under its supervision, regarding the handling, use, transport and disposition of poultry waste or poultry litter.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with waste, litter or manure without regards to subject matter limitations, geographical limitations, or time limitations. Further, it requests all discussions and meetings "regarding the handling, use, transport and disposition of

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poultry waste or poultry litter" from the inception of The Poultry Federation. Even with the best of preparation, it would not be possible for a designee to know all discussions and meetings which had taken place in the life of the organization; this is an example where there is a loss of institutional memory. It is further objectionable because it is unduly burdensome, particularly in light of the time constraints, and is not reasonably calculated to lead to the discovery of admissible information.

3. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, studies, projects, events, programs, surveys and/or research conducted by the Poultry Federation, or under its supervision, regarding the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

4. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by Poultry Federation or under its supervision regarding the effects on water quality from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

5. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on water quality from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

6. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on human health from the handling, use, transport and disposition of poultry waste or poultry litter.*

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The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

7. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on human health from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

8. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on the environment from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

9. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys, and/or research conducted by the Poultry Federation or under its supervision regarding the effects on the environment from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 2.

10. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on water quality in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with waste, litter or manure without regards to time limitations. Further, it requests all discussions and meetings "regarding the handling, use, transport and disposition of poultry waste or poultry litter" from the inception of The Poultry Federation. Again, even with the best of preparation, it would not be possible for a designee to know all discussions and meetings on the subjects which had taken place in the life of the organization; this is yet another example where there is a loss of institutional memory. It is

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further objectionable because it is unduly burdensome, particularly in light of the time constraints, and is not reasonably calculated to lead to the discovery of admissible information.

11. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on water quality in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry

No. 10.

12. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on human health in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry

No. 10.

13. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on human health in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry

No. 10.

14. *Any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on the environment in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry

No. 10.

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15. *Poultry Integrators' participation in or sponsorship of any discussions, meetings, projects, events, programs, surveys and/or research conducted by the Poultry Federation or under its supervision regarding the effects on the environment in the Illinois River Watershed (located in Oklahoma and Arkansas) from the handling, use, transport and disposition of poultry waste or poultry litter.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 10.

16. *Poultry Integrators' participation in the governance of the affairs, organization activities and policies of the Poultry Federation.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with The Poultry Federation. Terms such as "governance of the affairs, organization activities and policies" are so broad that it prevents any reasonable preparation for a deposition. It is further objectionable because it is unduly burdensome, particularly in light of the time constraints, and is not reasonably calculated to lead to the discovery of admissible information.

17. *The nature and extent of records of or discussions, meetings, research, surveys and/or reports about and any action taken regarding the issue of the ownership or responsibility of poultry waste produced by Poultry Integrators' poultry.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with waste, litter or manure without regards to subject matter limitations, geographical limitations, or time limitations. Further, it requests all discussions and meetings "regarding the issue of the ownership or responsibility of poultry waste produced by Poultry Integrators' poultry" from the inception of The Poultry Federation. While The Poultry Federation would do its utmost to prepare a designee for this area

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of inquiry, it would not be possible to know all discussions and meetings which had taken place in the life of the organization; this is an example where there is a loss of institutional memory. It is further objectionable because it is unduly burdensome, particularly in light of the time constraints, and is not reasonably calculated to lead to the discovery of admissible information. Moreover, the subject matter attempted, that is "the issue of the ownership or responsibility of poultry waste produced by Poultry Integrators' poultry" is vague and ambiguous and would prevent adequate preparation.

18. *Lobbying efforts of the Poultry Federation in the States of Oklahoma and Arkansas with respect to environmental or agricultural legislation related to poultry waste.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with poultry waste without regards to subject matter limitations, geographical limitations, or time limitations. Again, despite the best of preparations, it would not be possible to know all such activities which had taken place in the life of the organization; there is a loss of institutional memory. It is further objectionable because it is unduly burdensome, particularly in light of the time constraints, and is not reasonably calculated to lead to the discovery of admissible information.

19. *Lobbying efforts of the Poultry Federation with respect to federal environmental or agricultural legislation related to poultry waste.*

The Poultry Federation refers to and incorporates herein its objections to area of inquiry No. 18.

20. *The creation, editing and dissemination of the "Poultry Water Quality Handbook" (all editions), and the identities of the individuals who participated in the creation of and revisions of this document.*

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This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with the handbook without regards to subject matter limitations or reasonable time limitations. It is unreasonable to require The Poultry Federation to identify all requested information for every handbook and to prepare a designee to testify.

21. *The creation and organization of the "National Poultry Waste Symposium" for 1988 to present including the papers, reports and presentations included therein and the identities of the individuals who organize and participate in the Symposium.*

This interrogatory is objectionable because it is overly broad in that it would require a designee to be prepared to discuss any and everything to do with the symposium without regards to subject matter limitations or reasonable time limitations. It is unreasonable to require The Poultry Federation to identify all requested information for every symposium since 1988 and to prepare a designee to testify. Further, as has been previously told to the State, the symposium is conducted in conjunction with the University of Arkansas and the University has many of the records. These records are not in the control of The Poultry Federation and a witness could not be prepared on the records.

22. *The distribution, dissemination, and publication of data created, received, assembled, prepared, accumulated by the Poultry Federation regarding the handling, use, transport and disposition of poultry waste or poultry litter.*

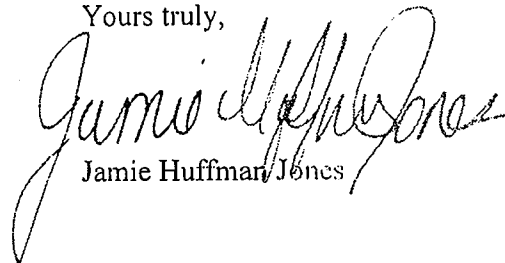
The Poultry Federation refers to and incorporates herein its objections to area of inquiry

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You should have already received the Ivize production diskette. Please let me know if you have not. Again, if the State can modify the subpoena or the timing, please let us know so that we can address the issues.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jamie Huffman Jones".

Jamie Huffman Jones

JHJ/sa
Enclosures

cc: Kevin A. Crass